

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

JUL 05 2018

Eastern

DIVISION

JAMES W. MCCORMACK, CLERK

By: ABu

DEPUTY CLERK

CASE NO. 2:18-CV-96-Jm

Jury Trial: ☒ Yes ☐ No
(Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff: Willie Hutcherson
ADC # 93873

Address: _____

Name of plaintiff: _____
ADC # _____

Address: _____

Name of plaintiff: _____
ADC # _____

Address: _____

~~This case assigned to District Judge~~ Mady
~~This case assigned to Magistrate Judge~~ Ray
~~and to~~

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Pulaski County Public Defenders Administration
Position: Administrators

Place of employment: County Administrators BldgAddress: 201 Broadway St - suite 210 LR, Ark 72201Name of defendant: Steven W. AbedPosition: Gregory Forme Public Defender

Place of employment: Gery Eubanks & Assoc

Address: 708 West 2nd St L.R., Ark 72201

Name of defendant: Terry Reiny - Bell

Position: Assist Prosecutor Attorney

Place of employment: Prosecutor's Attorney Office

Address: 224 South Spring St - L.R., Ark 72201

Name of defendant: Terry Larkowski

Position: Attorney

Place of employment: ~~1501~~ Public Defender Courney

Address: 1501 N. University Av - Suite 552 Little Rock, Ark 72207

II. Are you suing the defendants in:

- ☐ official capacity only
☐ personal capacity only
☒ both official and personal capacity

III. Previous lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

☐ Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

☐ Court (if federal court, name the district; if state court, name the county): _____

☐ Docket Number: _____

☐ Name of judge to whom case was assigned: _____

☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

☐ Approximate date of filing lawsuit: _____

☐ Approximate date of disposition: _____

IV. Place of present confinement: Bribery Unit (EARU)
P.O. Box 970 Marion Ark 72302

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

_____ in jail and still awaiting trial on pending criminal charges

X serving a sentence as a result of a judgment of conviction

_____ in jail for other reasons (e.g., alleged probation violation, etc.)
explain: _____

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes _____ No X

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes _____ No XIf not, why? This is not a in forme Paupers
Suit.

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Public Defender Steve W. Abed conspired with pretrial and
various state officials to secure Hurcherson conviction.
These intentional acts have subject Hurcherson to
Involuntary Servitude, and that these individuals
acted "under color of state law," so violated Hurcherson
Thirteenth Amendment. The defendants also violated
Arkansas law under A.C.A. 16-118-109 which is the
The Trafficking Victims Protection Act of 2000, which
banned slavery and Involuntary Servitude in 1865
which also violate Federal law as well as the
Thirteenth Amendment to the United States
Constitution. (See attachment for details)

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want the court to award me five (5) million
dollars, and any other relief I am entitled

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 18 day of June, 20 18.

Willie Hurcherson #93827
P.O. Box 970 - Marianna, Ark 72360
Willie #93827
Signature(s) of plaintiff(s)

In the month of September of 1999, an article picture Judge Humphrey on its front page titled.

" Judge Battles Prosecutor Bias "

This article explains how the United States Attorney Paula Casey had accused Judge Humphrey's jailer Orrin Wright for expunging criminal records.

On October 2, 1999, Willie Hurcherson appeared before Judge Humphrey in his omnibus hearing, in which Public Defender Steve W. Abed was the attorney of record. At the time Mr. Abed was arguing a motion for sever because Willie Hurcherson was charged with having robbed four businesses, while Mr. Abed was talking about this motion for sever with the court, Willie Hurcherson tapped Mr. Abed on the arm and gave him the statements of Officer Cody Burk and Officer Linda Hudson.

The statements of Officer Cody Burk and Officer Linda Hudson detail events that involve the Texaco on 9th and I-30 which Willie Hurcherson is alleged to have robbed or gun pointed consequently through the statements tell a different account in which it does not involve Willie Hurcherson.

Officer Cody Burk stated he was at the Shell Station on 9th and I-30 when he notice three black males come from behind the Shell Station and go into that store, they then left and walked across the street to the Texaco on 9th and I-30 in which they stay a moment and then left.

Shortly after these three black males left the Texaco Officer Cody Burk drove over to the Texaco because he stated he went to buy a soda, Officer Cody Burk said when he enter the store he notice the clerk on the phone crying talking to the police saying she had been robbed and the robber was wearing a "red jacket."

Officer Cody Burk got in his unmarked car called for back-up while he followed the three black males which lead to the Mariner Inn Hotel, while Officer Cody Burk and Officer Linda Hudson was talking outside the Mariner Inn Hotel one of the three black males came out and these Officers detained him and question him about the whereabouts of the other two black males, it was discovered that Joseph Handy told the Officers that Zahenn Allen and Bobby Broadway was in room 504, the officer arrested Bobby Broadway who was wearing the red jacket. the officers then transported Bobby Broadway to the Texaco and release him to the Detective Rusey King.

So after Willie Hurcherson gave Public Defender Steve W. Abed the secretaries of these officers he read them, and ask Willie Hurcherson, "where did he get those secretaries," Willie Hurcherson replied, out of my discovery, at this point Willie Hurcherson realize that Public Defender Steve W. Abed did not read the discovery, so Willie Hurcherson asked Public Defender Steve W. Abed how much time was the prosecutor offering, Public Defender Steve W. Abed stated "60 years."

After, Public Defender Steve W. Abed's motion for sever was denied, Willie Hurcherson was taken from the court room and lead into the holding cell waiting for other inmates who were still in court, after these other inmates were taken to the hold cell all the inmates were then lead back downstairs, while walking pass Judge Humphrey's court room Willie Hurcherson notice Public Defender Steve W. Abed and Deputy Prosecutor Terry Rainey-Bell sitting on the bench Willie Hurcherson seen Public Defender Steve W. Abed give Deputy Prosecutor Terry Rainey-Bell the secretaries of Officer Cody Burk and Officer Linda Hudson, so when Willie Hurcherson seen this he stop and ask Public Defender Steve W. Abed why did he not give the secretaries of Officer Cody Burk and Officer Linda Hudson to the Judge, as soon as Willie Hurcherson said this Deputy Prosecutor Terry Rainey-Bell jumped up off the bench and run back into the court room.

Willie Hurcherson realize that he had walked up on Deputy Prosecutor Terry Rainey-Bell and Public Defender Steve W. ABed doing wrong, and Willie Hurcherson realize that they was going to try and cover-up whatever wrong they had done, and Willie Hurcherson realize that he needed a witness because know one would believe he caught them doing whatever they where doing, so when Willie Hurcherson got back to the Cummin Prison the next day, Willie Hurcherson got the newspaper article and the extra copy he had of Officer Cody Buck and Officer Linda Hudson statements and ~~went~~^{were} to the Chaplin and talked to Chaplin Williams, in which Willie Hurcherson explain what he had seen and could the Chaplin take this evidence to Judge Humphrey.

Chaplin Williams got on his computer and typed out what Willie Hurcherson witness and took it to Judge Humphrey on the day of Willie Hurcherson trial Judge Humphrey recused from Willie Hurcherson case, this was October 14, 1999, the same day Public Defender Steve W. ABed asked to withdraw from Willie Hurcherson's case as well and attorney Jerry Lackowski appointed which lead to Willie Hurcherson being convicted of four aggregative robberies and sentence to 240 years in prison to be served in the Arkansas Department of Correction.

The following are (13) questions that Plaintiff Willie Hurcherson would like to ask the Courts.

1. Did Public Defender Steve W. ABed and Deputy Prosecutor Terry Rainey-Bell actions constitute "under Color of State Law," as is explained in United States v. Classic, 313 U.S. 299, 326, 61 S. Ct 1031, 1043, 85 L. Ed 1368 (1941) ?
2. During the course of Willie Hurcherson's trial should Public Defender Steve W. ABed remained as the attorney of record?
3. Did Deputy Prosecutor Terry Rainey-Bell actions influence Public Defender Steve W. ABed to make the Public Defender's Office liable to satisfy the loophole in United States v. Senate, 477 F.2d 304 (CA7) cert. denied, 414 U.S. 856, 94 S. Ct 157, 38 L. Ed 2d 105 (1973) ?
4. Did Deputy Prosecutor Terry Rainey-Bell and Public Defender Steve W. ABed have a professional and ethical obligation to the Plaintiff. Willie Hurcherson?
5. Did Deputy Prosecutor Terry Rainey-Bell and Public Defender Steve W. ABed commit a crime by attempting to cover-up their misconduct to protect the Texaco Inc, Little Rock Police Department and Channel 7 News from liability?
- 6.

6. Did Deputy Prosecutor Terry Rainey's actions influence attorney Jerry Larkowski to intentionally misrepresent the plaintiff Willie Hutcherson?

7. Did the actions of Deputy Prosecutor Terry Rainey-Bell, Public Defender Steve W. Abed and attorney Jerry Larkowski's actions constitute the plaintiff's conviction invalid?

8. Based on your opinion, should the Plaintiff Willie Hutcherson be released from prison?

9. Did Deputy Prosecutor Terry Rainey-Bell fail her obligation to continue to disclose what she discovered when Public Defender Steve W. Abed gave her the statements of Officer Cody Burk and Officer Linda Hudson while sitting on the bench outside Judge Humphrey's courtroom in accordance with the Arkansas Rules of Criminal Procedures 19.2?

10. Did Deputy Prosecutor Terry Rainey-Bell have a ethical obligation in accordance with the Model Rules of Professional Misconduct 8.3 which she failed to report Public Defender Steve W. Abed's intentional misrepresentation of plaintiff Willie Hutcherson?

11. Did Public Defender Steve W. Abed attempt to cover-up his misconduct by withdrawing as the plaintiff's attorney?

12. Did Deputy Prosecutor Terry Rainey-Bell ignore Plaintiff Fourth

Amendment Right is an attempt to cover-up Little Rock Police Department misconduct?

13. Based on your opinion is Judge Humphrey's credibility sound and solid?

14. Did the plaintiff satisfy the Fourth Amendment claim in Alan Ramon v City and County of Denver, Not Reported in F.Supp-2d, 2009 WL 3158135 (D.Colo).

The plaintiff ask this court if it could provide insight on a immediate solution because the plaintiff feels that his life is in imminent danger of serious physical injury due to the police involvement.

Respectfully Submitted,

Will H #93873